

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

LENROY MCLEAN,

Defendant.

No. 08-cr-789-7 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:


On April 15, 2022, the Court issued a Memorandum Opinion and Order denying several motions brought by Defendant Lenroy McLean (Doc. No. 474), including a motion for compassionate release pursuant to 18 U.S.C. § 3282(c), with respect to which he was represented by Criminal Justice Act counsel Bobbi Sternheim (*see* Doc. No. 429 (appointing Ms. Sternheim from the Court’s CJA panel)). Aided by Ms. Sternheim, McLean filed a notice of appeal of the Court’s Memorandum Opinion and Order on April 29, 2022. (Doc. No. 475.) The Court is now in receipt of a request from Ms. Sternheim seeking to be relieved as counsel and to have substitute counsel appointed for Defendant’s appeal.

As it turns out, the Court lacks the power to grant Ms. Sternheim’s request. First, the Court may not assign new counsel to Defendant for his appeal because “[i]t is . . . clear that the assignment of counsel to an indigent defendant under the CJA is a task commended to the court in which the proceedings occur.” *United States v. Parker*, 469 F.3d 57, 62 (2d Cir. 2006). In addition, the Second Circuit’s Local Rules confirm that

this Court is not authorized to relieve Ms. Sternheim as Defendant's counsel. *See* 2d Cir. Local Rule 4.1(a) ("A criminal defendant's counsel, whether retained or appointed, is responsible for representing the defendant on appeal unless relieved by this court."). Accordingly, Ms. Sternheim's request is respectfully DENIED, without prejudice to renewal before the United States Court of Appeals for the Second Circuit.

SO ORDERED.

Dated: May 11, 2022
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation